

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GEORGE MARSEN,
Petitioner,

v.

JOHN A. PALAKOVICH, et al.
Respondents.

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CIVIL ACTION
NO. 10-5455

ORDER

AND NOW, this 28th day of February, 2011, upon careful and independent consideration of the Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254, and after review of the Magistrate Judge's Report and Recommendation, to which no objections have been filed, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED and ADOPTED**.
2. The Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 is **DISMISSED without prejudice**.
3. There is no basis to issue a certificate of appealability.
4. This case shall be marked closed for statistical purposes.

IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.